

REFERENCE TITLE: **breast-feeding; indecent exposure**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

# **SB 1121**

Introduced by  
Senator Johnson; Representative Lopez L: Senator Huppenthal;  
Representative Anderson

## AN ACT

AMENDING SECTIONS 13-1402 AND 13-3821, ARIZONA REVISED STATUTES; RELATING TO SEXUAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-1402, Arizona Revised Statutes, is amended to  
3 read:

4           13-1402. Indecent exposure; exception; classifications;  
5           definition

6       A. A person commits indecent exposure if he or she exposes his or her  
7 genitals or anus or she exposes the areola or nipple of her breast or breasts  
8 and another person is present, and the defendant is reckless about whether  
9 such other person, as a reasonable person, would be offended or alarmed by  
10 the act.

11       B. FOR THE PURPOSES OF THIS SECTION, INDECENT EXPOSURE DOES NOT  
12 INCLUDE A MOTHER BREAST-FEEDING HER INFANT, WHETHER OR NOT THE BREAST IS  
13 COVERED DURING OR INCIDENTAL TO FEEDING.

14       C. Indecent exposure TO A PERSON WHO IS FIFTEEN OR MORE YEARS OF  
15 AGE is a class 1 misdemeanor. Indecent exposure to a person WHO IS under ~~the~~  
16 ~~age of~~ fifteen years OF AGE is a class 6 felony.

17       D. FOR THE PURPOSES OF THIS SECTION, "INFANT" MEANS A CHILD WHO IS  
18 UNDER THREE YEARS OF AGE.

19       Sec. 2. Section 13-3821, Arizona Revised Statutes, is amended to read:

20           13-3821. Persons required to register; procedure;  
21           identification card; definitions

22       A. A person who has been convicted of a violation or attempted  
23 violation of any of the following offenses or who has been convicted of an  
24 offense committed in another jurisdiction that if committed in this state  
25 would be a violation or attempted violation of any of the following offenses  
26 or an offense that was in effect before September 1, 1978 and that, if  
27 committed on or after September 1, 1978, has the same elements of an offense  
28 listed in this section or who is required to register by the convicting  
29 jurisdiction, within ten days after the conviction or within ten days after  
30 entering and remaining in any county of this state, shall register with the  
31 sheriff of that county:

32       1. Unlawful imprisonment pursuant to section 13-1303 if the victim is  
33 under eighteen years of age and the unlawful imprisonment was not committed  
34 by the child's parent.

35       2. Kidnapping pursuant to section 13-1304 if the victim is under  
36 eighteen years of age and the kidnapping was not committed by the child's  
37 parent.

38       3. Sexual abuse pursuant to section 13-1404 if the victim is under  
39 eighteen years of age.

40       4. Sexual conduct with a minor pursuant to section 13-1405.

41       5. Sexual assault pursuant to section 13-1406.

42       6. Sexual assault of a spouse if the offense was committed before ~~the~~  
43 ~~effective date of this amendment to this section~~ AUGUST 12, 2005.

44       7. Molestation of a child pursuant to section 13-1410.

- 1       8. Continuous sexual abuse of a child pursuant to section 13-1417.
- 2       9. Taking a child for the purpose of prostitution pursuant to section
- 3       13-3206.
- 4       10. Child prostitution pursuant to section 13-3212.
- 5       11. Commercial sexual exploitation of a minor pursuant to section
- 6       13-3552.
- 7       12. Sexual exploitation of a minor pursuant to section 13-3553.
- 8       13. Luring a minor for sexual exploitation pursuant to section 13-3554.
- 9       14. Sex trafficking of a minor pursuant to section 13-1307.
- 10      15. A second or subsequent violation of indecent exposure to a person
- 11     under the age of fifteen years OF AGE pursuant to section
- 12     13-1402, subsection B.
- 13      16. A second or subsequent violation of public sexual indecency to a
- 14     minor under the age of fifteen years pursuant to section 13-1403,
- 15     subsection B.
- 16      17. A third or subsequent violation of indecent exposure pursuant to
- 17     section 13-1402.
- 18      18. A third or subsequent violation of public sexual indecency pursuant
- 19     to section 13-1403.
- 20      19. A violation of section 13-3822 or 13-3824.
- 21       B. Before the person is released from confinement the state department
- 22     of corrections in conjunction with the department of public safety and each
- 23     county sheriff shall complete the registration of any person who was
- 24     convicted of a violation of any offense listed under subsection A of this
- 25     section. Within three days after the person's release from confinement, the
- 26     state department of corrections shall forward the registered person's records
- 27     to the department of public safety and to the sheriff of the county in which
- 28     the registered person intends to reside. Registration pursuant to this
- 29     subsection shall be consistent with subsection E of this section.
- 30       C. Notwithstanding subsection A of this section, the judge who
- 31     sentences a defendant for any violation of chapter 14 or 35.1 of this title
- 32     or for an offense for which there was a finding of sexual motivation pursuant
- 33     to section 13-118 may require the person who committed the offense to
- 34     register pursuant to this section.
- 35       D. The court may require a person who has been adjudicated delinquent
- 36     for an act that would constitute an offense specified in subsection A or C of
- 37     this section to register pursuant to this section. Any duty to register
- 38     under this subsection shall terminate when the person reaches twenty-five
- 39     years of age.
- 40       E. A person who has been convicted of or adjudicated delinquent and
- 41     who is required to register in the convicting state for an act that would
- 42     constitute an offense specified in subsection A or C of this section and who
- 43     is not a resident of this state shall be required to register pursuant to
- 44     this section if the person is either:

1       1. Employed full-time or part-time in this state, with or without  
2 compensation, for more than fourteen consecutive days or for an aggregate  
3 period of more than thirty days in a calendar year.

4       2. Enrolled as a full-time or part-time student in any school in this  
5 state for more than fourteen consecutive days or for an aggregate period of  
6 more than thirty days in a calendar year. For the purposes of this  
7 paragraph, "school" means an educational institution of any description,  
8 public or private, wherever located in this state.

9       F. Any duty to register under subsection D or E of this section for a  
10 juvenile adjudication terminates when the person reaches twenty-five years of  
11 age.

12       G. The court may order the termination of any duty to register under  
13 this section on successful completion of probation if the person was under  
14 eighteen years of age when the offense for which the person was convicted was  
15 committed.

16       H. At the time of registering, the person shall sign a statement in  
17 writing giving such information as required by the director of the department  
18 of public safety, including all names by which the person is known. The  
19 sheriff shall fingerprint and photograph the person and within three days  
20 thereafter shall send copies of the statement, fingerprints and photographs  
21 to the criminal identification section within the department of public safety  
22 and the chief of police, if any, of the place where the person resides. The  
23 information that is required by this subsection shall include the physical  
24 location of the person's residence and the person's address. If the person  
25 has a place of residence that is different from the person's address, the  
26 person shall provide the person's address, the physical location of the  
27 person's residence and the name of the owner of the residence if the  
28 residence is privately owned and not offered for rent or lease. If the  
29 person receives mail at a post office box, the person shall provide the  
30 location and number of the post office box. If the person does not have an  
31 address or a permanent place of residence, the person shall provide a  
32 description and physical location of any temporary residence.

33       I. On the person's initial registration and every year after the  
34 person's initial registration, the person shall obtain a new nonoperating  
35 identification license or a driver license from the motor vehicle division in  
36 the department of transportation and shall carry a valid nonoperating  
37 identification license or a driver license. Notwithstanding sections 28-3165  
38 and 28-3171, the license shall be valid for one year from the date of  
39 issuance, and the person shall submit to the department of transportation  
40 proof of the person's address and place of residence. The motor vehicle  
41 division shall annually update the person's photograph and shall make a copy  
42 of the photograph available to the criminal identification section of the  
43 department of public safety or to any law enforcement agency.

1       J. Except as provided in subsection E or K of this section, the clerk  
2 of the superior court in the county in which a person has been convicted of a  
3 violation of any offense listed under subsection A of this section or has  
4 been ordered to register pursuant to subsection C or D of this section shall  
5 notify the sheriff in that county of the conviction within ten days after  
6 entry of the judgment.

7       K. Within ten days after entry of judgment, a court not of record  
8 shall notify the arresting law enforcement agency of an offender's conviction  
9 of a violation of section 13-1402. Within ten days after receiving this  
10 information, the law enforcement agency shall determine if the offender is  
11 required to register pursuant to this section. If the law enforcement agency  
12 determines that the offender is required to register, the law enforcement  
13 agency shall provide the information required by section 13-3825 to the  
14 department of public safety and shall make community notification as required  
15 by law.

16      L. A person who is required to register pursuant to this section  
17 because of a conviction for the unlawful imprisonment of a minor or the  
18 kidnapping of a minor is required to register, absent additional or  
19 subsequent convictions, for a period of ten years from the date that the  
20 person is released from prison, jail, probation, community supervision or  
21 parole and the person has fulfilled all restitution obligations.  
22 Notwithstanding this subsection, a person who has a prior conviction for an  
23 offense for which registration is required pursuant to this section is  
24 required to register for life.

25      M. A person who is required to register pursuant to this section and  
26 who is a student at a public or private institution of postsecondary  
27 education or who is employed, with or without compensation, at a public or  
28 private institution of postsecondary education or who carries on a vocation  
29 at a public or private institution of postsecondary education shall notify  
30 the county sheriff having jurisdiction of the institution of postsecondary  
31 education. The person required to register pursuant to this section shall  
32 also notify the sheriff of each change in enrollment or employment status at  
33 the institution.

34      N. For the purposes of this section:  
35       1. "Address" means the location at which the person receives mail.  
36       2. "Residence" means the person's dwelling place, whether permanent or  
37 temporary.